

Attorney Docket No. CYBRP001.US05

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Date: 10/06/06

By:

Paul L. Hickman

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

HICKMAN

APPLICATION NO.: ~~10733,617~~ 10773617

FILED: 02/06/04

FOR: EXERCISE AND HEALTH EQUIPMENT (AS AMENDED)

EXAMINER: RICHMAN, GLENN

ART UNIT: 3764

CONFIRMATION NO: 7761

ATTORNEY DOCKET NO.:  
CYBRP001.US05

**Information Disclosure Statement**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed are 8 pages of form 1449 citing the submitted references. Copies of non-patent references are enclosed herewith. Since this application was filed after 30 June 2003, no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material

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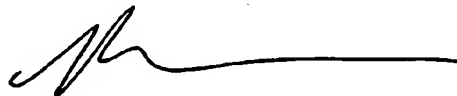
to patentability. In addition, Applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

As the Examiner is aware, this application is related to a number of co-pending, issued, and abandoned applications including USSN 60/008,603, 08/766,309, 08/766,513 (USP 6,059,692), 09/273,591 (USP 6,193,631), 09/690,178 (USP 6,749,537), 09/690,701, 10/045,619 (USP 6,921,351), 10/729,356, 10/751,334, 11/150,914 and 11/440,703. Of these, U.S. Patents 6,193,631 ("the '631 patent") and 6,749,537 ("the '537 patent") are involved in a lawsuit between assignee Cybergym Research LLP and ICON Health and Fitness.

More particularly, the '631 and '537 patents are involved in the lawsuit *Cybergym Research LLC v. ICON Health and Fitness, Inc.* United States District Court for the Eastern District of Texas, Case No. 2:05-cv-527. In accordance with the local rules, the Defendant has made its Preliminary Invalidity Contentions, as enclosed herewith, and has submitted a large number of documents upon which it intends to support its claims of invalidity. Applicants apologize for the size of this submission, which was necessitated by these circumstances. The Examiner is respectfully requested to consider these documents and to make them of record in the current application.

Please charge any underpayment for the timely filing of this paper to Deposit Account No. 50-3539.

Respectfully submitted,



Paul L. Hickman  
Registration No. 28,516

Date: 10/06/06

**Correspondence Address:**  
Customer No. 45965



Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for H.R. 1449/P.L. 104-185

**(Use as many sheets as necessary)**

Sheet	1	of	8
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Application Number	10/773.617	
Filing Date		02-06-04
First Named Inventor	Hickman	
Art Unit	3764	
Examiner Name	Richman, Glenn E	
Attorney Docket Number	CYBRP001.US05	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2 (if known)</sup>			
		US 3518985	02-15-1968	Quinton	
		US 3802698	04-09-1974	Burian et al.	
		US 3845756	12-05-1974	Olsson	
		US 4020795	05-03-1977	Marks	
		US 4408613	10-11-1983	Relyea	
		US 4556216	12-03-1985	Pitkanen	
		US 4708337	11-24-1987	Shyu	
		US 4709917	12-01-1987	Yang	
		US 4757495	07-12-1988	Decker et al.	
		US 4763284	08-09-1988	Carlin	
		US 4837157	06-06-1989	Turnell et al.	
		US 4842274	06-27-1989	Oosthuizen et al.	
		US 4866704	09-12-1989	Bergman	
		US 4919418	04-24-1990	Miller	
		US 4925183	05-15-1990	Kim	
		US 4934694	06-19-1990	Mcintosh	
		US 5020795	06-04-1991	Alry et al.	
		US 5089960	02-18-1992	Sweeney Jr.	
		US 5180347	01-19-1993	Chen	

[illegible]

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Sheet 2 of 8**Complete if Known**

Application Number	10/773,617
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Examiner Name	Richman, Glenn E
Attorney Docket Number	CYBRP001.US05

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5213555	05-25-1993	Hood et al.	
		US- 5240417	08-31-1993	Smithson et al.	
		US- 5361091	11-01-1994	Hoarty et al.	
		US- 5375068	12-20-1994	Palmer et al.	
		US- 5462503	10-31-1995	Benjamin et al.	
		US- 5527239	06-18-1996	Abbondanza	
		US- 5546324	08-13-1996	Palmer et al.	
		US- 5572643	11-05-1996	Judson	
		US- 5590128	12-31-1996	Maloney et al.	
		US- 5598849	02-04-1997	Browne	
		US- 5605336	02-25-1997	Gaoiran et al.	
		US- 5655997	08-12-1997	Greenberg et al.	
		US- 5663951	09-02-1997	Danneels et al.	
		US- 5690582	11-25-1997	Ulrich et al.	
		US- 5695400	12-09-1997	Fennell Jr. et al.	
		US- 5754765	05-19-1998	Danneels et al.	
		US- 5771354	06-23-1998	Crawford	
		US- 5838906	11-17-1998	Doyle et al.	
		US- 5854833	12-29-1998	Hogan et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

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of

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**Complete if Known**

Application Number	10/773,617
Filing Date	NOV 11 2004 02-06-04
First Named Inventor	Hickman
Art Unit	3764
Examiner Name	Richman, Glenn E
Attorney Docket Number	CYBRP001.US05

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5905442	05-18-1999	Mosebrook et al.	
		US- 5909544	06-01-1999	Anderson II et al.	
		US- 5916063	06-29-1999	Alessandri	
		US- 5956509	09-21-1999	Kevner	
		US- 5997476	12-07-1999	Brown	
		US- 6014432	01-11-2000	Modney	
		US- 6050924	04-18-2000	Shea	
		US- 6050942	04-18-2000	Rust et al.	
		US- 6066075	05-23-2000	Poulton	
		US- 6106297	08-22-2000	Pollak et al.	
		US- 6152856	11-28-2000	Studor et al.	
		US- 6497638	12-24-2002	Shea	
		US- 6601016	07-29-2003	Brown et al.	
		US- 6605020	08-12-2003	Huang	
		US- 6616578	09-09-2003	Alessandri	
		US- 6645124	11-11-2003	Clem	
		US-			
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		Application Number	10/773,617
		Filing Date	02-06-04
		First Named Inventor	Hickman
		Art Unit	3764
		Examiner Name	Richman, Glenn
Sheet 4 of 8	Attorney Docket Number		CYBRP001.US05

NON PATENT LITERATURE DOCUMENTS			
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		ICON HEALTH AND FITNESS, Nordictrack C2420 (Model No. NTL 14950), 2004	
		ICON HEALTH AND FITNESS, Nordictrack C2420 (Model No. NTL 14951), 2004	
		ICON HEALTH AND FITNESS, Nordictrack C2420 (Model No. NTL 1495.2), 2004	
		ICON HEALTH AND FITNESS, Nordictrack CX 990 (Model No. NEL 09940), 2003	
		ICON HEALTH AND FITNESS, Nordictrack SL 760 (Model No. NTC 89021), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 760 (Model No. NTC 89020), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 710 (Model No. NTC 07942), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 710 (Model No. NTC 07941), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 710 (Model No. NTC 07940), 2003	
		ICON HEALTH AND FITNESS, Nordictrack SL 705 (Model No. NTC 05941), 2004	

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		Filing Date	02-06-04
		First Named Inventor	Hickman
		Art Unit	3764
		Examiner Name	Richman, Glenn
Sheet 5 of 8	Attorney Docket Number	CYBRP001.USQ5	

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		ICON HEALTH AND FITNESS, Nordictrack SL 705 (Model No. NTC 05940), 2004	
		ICON HEALTH AND FITNESS, Nordictrack C2420 Manual preceding Specs, 2004	
		ICON HEALTH AND FITNESS, Pro-Form Personal Trainer Plus, undated	
		ICON HEALTH AND FITNESS, Screenshots of iFit.com, undated	
		ICON HEALTH AND FITNESS, iFit.com "Log on. Work out." Brochure, 2000	
		ICON HEALTH AND FITNESS, Website printouts (archived docs), 2000	
		PRO FORM FITNESS PRODUCTS INC, PRO-FORM 8.0 TXP Manual (for Model No. PF080010), November 1991	
		PRO FORM FITNESS PRODUCTS INC, OPTIONS Manual: Video Track / Track Five / Personal Trainer Plus (Part No. 109917), September 1992, Pro Form Fitness Products, Inc.	
		PRO FORM FITNESS PRODUCTS INC, Lifestyler 10.0 ESP Manual (for Model No. 297052), November 1992	
		ICON HEALTH AND FITNESS, Pro-Form 600 (Model No. PETL60000), 2000	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	10 / 773,617
		Filing Date	1. 02-06-04
		First Named Inventor	Hickman
		Art Unit	3764
		Examiner Name	Richman, Glenn
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		ICON HEALTH AND FITNESS INC, Reebok ACD1 (Model No. RETL11900), 2000	
		ICON HEALTH AND FITNESS INC, Reebok RT1000 (Model No. RETL16001), 2001	
		ICON HEALTH AND FITNESS, Little Tony, One on One Video Trainer (for Model No. TLT23040), June 1995	
		ICON HEALTH AND FITNESS INC, One-on-One Video Trainer (Model No. TLTL21040), 1995	
		DANIELS, Virtual Workouts - Treadmills Possessed, Fortune Magazine, Pg. 84, April 17, 2000	
		SAMILJAN, Work Out Online, US Weekly, Pg. 71, March 27, 2000	
		GOOD HOUSEKEEPING, A Run for the Money, Good Housekeeping, Pg. 53, February 2000	
		Consumer Reports - Out of the Rat Race, onto a Treadmill, 2000	
		STEINBERG, Men's Journal, Squat.com, The Home Gym Goes Online, May 2000	
		THE HERALD JOURNAL, ICON Wins Awards, The Herald Journal, People in Business, Vol. 91, No. 128, May 7, 2000	

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		STEIN, MSNBC.com, Smart Fitness Section, On a Quest for Fitness - The latest workout gear and Gadgets, February 20, 2000	
		ASP, New home exercise equipment: your computer?, Ebsco Publishing, June 2000	
		LEHR, Wired Workout Local Gyms, The Boston Globe, Living Section, Pg. F1, March 11, 2000	
		ICON HEALTH AND FITNESS, Turn Your Treadmill Into an Internet Appliance With www.JFIT.com, PR Newswire, October 19, 1999	
		IEEE Computer Graphics and Applications - EVAC: A Virtual Environment for Control of Remote Imaging Instrumentation, 1996	
		MERCURIO ET AL, Communications of the ACM, Vol. 35, No. 6, The Distributed Laboratory, June 1992	
		IEEE: Performance Analysis of a Gateway Connecting the Cebus to the ISDN, 1993	
		WAKITA ET AL, IEEE Publication, Intelligent Monitoring System for Limited Communication Path: Telerobotic Task Execution over Internet, 0-8186-7108-4/95(IEEE), April 1995	
		SKUBIC ET AL, IEEE Publication, A Telerobotic Construction Set with Integrated Performance Analysis, 0-8186-7108-4/95(IEEE), April 1995	
		Fitness Equipment: Cardio, 1997	

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STATEMENT BY APPLICANT**

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**Complete If Known**

Application Number	10 / 773,617
Filing Date	02-06-04
First Named Inventor	Hickman
Art Unit	3764
Examiner Name	Richman, Glenn
Attorney Docket Number	CYBRP001.US05

Sheet 8 of 8

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ICON HEALTH AND FITNESS INC, Photographs of various fitness equipment systems, 1989-1996	
		MADMOISELLE, www.IFIT.com, Madmoiselle, March 2000	
		WIRED, Icon Health & Fitness Image 10.4Qi, Wired, April 2000	
		COOKING LIGHT, Cybertrainers are Watching Your Workout, Cooking Light, August 2000	
		VILLAROSA, A Fitness Industry, With Gadgets Galore, The New York Times, April 25, 2000	
		LITTLE, Web creates workouts with virtual trainers, The Birmingham News, April 10, 2000	
		SAN FRANCISCO CHRONICLE, Let the Web Help You Get Physical, March 16, 2000	
		PRO FORM PRODUCTS INC, 1994 Pro Form First in Fitness Brochure, 1994	
		ICON HEALTH AND FITNESS, INC'S PRELIMINARY INVALIDITY CONTENTIONS, US DIST. CT. EDTX, CASE 2:05-cv-527, 6/16/06	
		ICON HEALTH AND FITNESS, INC'S SUPPLEMENTAL PRELIMINARY INVALIDITY CONTENTIONS, US DIST. CT. EDTX, CASE 2:05-cv-527, 6/23/06	

Examiner Signature	Date Considered
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